

Rosari Devencenzi  
Name

1032818  
Identification Number

ELY STATE PRISON  
Correctional Institution

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

Devencenzi  
Petitioner,  
vs.

Tucker et al, et al.,  
Respondent

3:22-cv-00353-MMA-CLB

EX PARTE MOTION FOR  
APPOINTMENT OF COUNSEL

COMES NOW Devencenzi, Jr, in Proper Person, and moves this Court for its order allowing the appointment of counsel for Petitioner. This motion is made and based in the interest of justice.

Pursuant to Title 18 § 3006A. of the Federal Rules of Criminal Procedure,

(2) Whenever the United States magistrate or the court determines that the interests of justice so require, representation may be provided for any financially eligible person who . . .

\*\*\*  
(B) is seeking relief under section 2241, 2254, 2255  
of title 28.

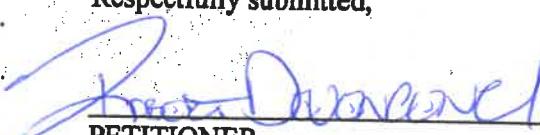
The Court must appoint counsel where the complexities of the case are such that denial of counsel would amount to a denial of due process, Brown v. United States, 623 F.2d 54, 61 (9<sup>th</sup> Cir. 1980), and/or where the petitioner is a person of such limited education as to be incapable of presenting his claims in such a way that the Court can afford him a fair hearing, see Hawkins v. Bennet, 423 F.2d 948 (8<sup>th</sup> Cir. 1970).

Petitioner alleges that the issues in this case are complex, that petitioner is unable to adequately present the claims without the assistance of counsel, and that Petitioner is unable to retain private counsel to represent him.

Petitioner hereby respectfully requests that the Court appoint counsel for the reasons stated above.

DATED this 14 day of August, 2023

Respectfully submitted,

  
Bruce Damrel  
PETITIONER

AFFIDAVIT OF:

STATE OF NEVADA )

COUNTY OF WHITE PINE )

TO WHOM IT MAY CONCERN:

I, ROBERT DEVENCENZI, the undersigned, do hereby swear that all statements, facts and events within my foregoing Affidavit are true and correct of my own knowledge, information and belief, and to those, I believe them to be true and correct.

Signed under the penalty of perjury pursuant to NRS 208.165 :

I AM AN INDIGENT INMATE Housed AT ELY STATE prison, NDOC,  
I CAN NOT AFFORD TO HIRE A PRIVATE ATTORNEY. I RECEIVED A COURT  
ORDER FOR CASE 3:22-CV-00353-CLB. I am unsure how  
TO Comply with this order and how to proceed. THE ABOVE  
ORDER CONTAINS FEDERAL RULES OF CIVIL PROCEDURE & LOCAL  
RULES THAT I CAN NOT INTERPRET. I ALSO FEEL  
IT WOULD BE BETTER MORE BENEFICIAL FOR THE LAWYER.

EXECUTED AT: Ely State Prison, this 14 Day of August 2023

BY: ROBERT DEVENCENZI NDOC# 1032818

ROBERT DEVENCENZI

(SIGNATURE )